

REMARKS

In the Official Communication of September 13, 2004, Claims 1-12 and 17-23 were finally rejected under 35 USC 103(a). The present communication is fully responsive to the Final Official Action of September 13, 2004.

Claim Rejections – 35 USC 103

Claims 1-12 and 17-23 were rejected under the following 35 USC 103(a) rejections: Claims 1-3, 7, 9, 11, 12 and 17 were rejected as being unpatentable over Anderson et al (USPN 6144959) in view of Robertson (USPN 6269369); Claims 4-6 were rejected as being unpatentable over Anderson et al in view of Robertson and further in view of Reilly (USPN 6427164); Claims 8 and 20 were rejected as being unpatentable over Anderson et al in view of Robertson and further in view of Trent et al (USPN 5961620); Claims 10, 22 and 23 were rejected as being unpatentable over Anderson et al in view of Robertson and further in view of Trent et al and Despres et al (USPN 6434379); Claims 18, 19 and 21 were rejected as being unpatentable over Anderson in view of Robertson and further in view of Lee et al (USPN 6108691); Claims 1, 7 and 17 were rejected as being unpatentable over Anderson et al in view of Johnson et al (USPN 5664109); Claims 2-6 were rejected as being unpatentable over Anderson et al in view of Johnson; Claims 9, 11 and 12 were rejected as being unpatentable over Anderson et al in view of Johnson and further in view of Robertson; Claims 8 and 20 were rejected as being unpatentable over Anderson et al in view of Johnson et al and further in view of Trent; Claims 18, 19 and 21 were rejected as being unpatentable over Anderson in view of Johnson and further in view of Lee; and Claims 10, 22 and 23 were rejected as being unpatentable over Anderson in view of Johnson and further in view of Trent and Despres et al.

Applicant respectfully submits that the 103(a) rejections of the claims are improper.

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35 USC 103(a) Rejection of Independent Claims 1 and 17 over Anderson et al (USPN 6144959) in view of Robertson (USPN 6269369)

In the above referenced rejection of independent Claims 1 and 17, the Official Action places reliance on Robertson to teach the limitations of "receiving records of individuals from an existing database automatically and without registration by the individuals; populating a web-based database with the individual records of the non-registered individual."

Applicant respectfully disagrees with the interpretation of Robertson when viewed in light Applicant's invention. As was discussed during the Examiner Interview on November 5, 2004, Applicant's invention, when read in light of the specification, reasonably apprises those skilled in the art that the "web-based database" is populated with records from an existing database (such as a customer list) *automatically and without registration* by the individual customers. In other words, the web-based database is a "passive" system in that the individuals do not have to register with the web-based database and are generally unaware of the automatic population of their records until receipt of the automatically transmitted access account.

Robertson, by contrast, describes a personal contact system designed for the purpose of "creating links between *members (registered individuals)* over a network and providing information to each *member* based on levels of permission maintained by the other *members* to which they are linked." [col. 1, lines 7-10]. The personal contact system "is based on a relational database scalable to millions of users that resides on a server computer." [col. 2, lines 51-52]. The relational "database 340 contains contact information entered by *registered users*." [col. 4, lines 42-43]. In other words, the users of the personal contact system have *registered* to become *members* of the system. Accordingly, the personal address book (database) of each individual is populated by data records of other *registered individuals*.

Further, the receipt of the records of the *registered individuals* into each personal address

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book is not automatic. Rather, a first individual can request that the records of a **registered individual** be added to the first individual's address book, but the addition of the data is dependent upon the **registered individual** granting permission to the first individual.

As such, Robertson cannot be relied upon to teach the claimed limitation of "receiving records of individuals from an existing database **automatically and without registration** by the individuals." As discussed above, the individuals in Robertson have **registered** to be members of the personal contacts system. The **registered individuals** are knowingly providing their data records for potential use (based on permissions) by other members of the system.

For at least the above reasons, prima facie obviousness has not been established and the 103(a) rejection of independent Claims 1 and 17 over Anderson et al in view of Robertson should be withdrawn.

35 USC 103(a) Rejection of Independent Claims 1 and 17 over Anderson et al (USPN 6144959) in view of Johnson (USPN 5664109)

In the above referenced rejection of independent Claims 1 and 17, the Official Action places reliance on Johnson to teach the limitations of "receiving records of individuals from an existing database automatically and without registration by the individuals; populating a web-based database with the individual records of the non-registered individual."

Applicant respectfully disagrees with the interpretation of Johnson when viewed in light Applicant's invention. As discussed above, Applicant's "web-based database" is populated with records from an existing database (such as a customer list) **automatically and without registration** by the individual customers. Johnson, by contrast, describes a medical network of computer servers wherein the server computers "store medical record documents and data for each (**registered**) patient of each **subscribing (registered) provider**."

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The individuals in Johnson have *registered* with a provider *registered* for access to the medical network. The *registered individuals* have provided their data records for potential use by other subscribers to the medical network. As such, Johnson cannot be relied upon to teach the claimed limitation of "receiving records of individuals from an existing database automatically and *without registration* by the individuals."

For at least the above reasons, prima facie obviousness has not been established and the 103(a) rejection of independent Claims 1 and 17 over Anderson et al in view of Johnson should be withdrawn.

35 USC 103(a) Rejections of Dependent Claims 2-12 and 18-23

The rejections of dependent Claims 2-12 and 18-23 are improper for at least the reasons discussed above regarding independent Claims 1 and 17 from which they depend.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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